



## **NEVADA STATE BOARD OF COSMETOLOGY**

### **Meeting Summary for May 2, 2016**

This meeting was tele-conferenced between Las Vegas, Nevada and Carson City,, Nevada

The Board of Cosmetology conducted a Board Meeting on Monday, May 2, 2016  
This was a regular meeting as noted on our yearly schedule of meetings

The Audio recording and the Youtube link for this meeting can be found on the Board of Cosmetology website:

[http://cosmetology.nv.gov/About/Meetings/2016/2016\\_Meeting\\_Information/](http://cosmetology.nv.gov/About/Meetings/2016/2016_Meeting_Information/)

#### **1. Call to Order/roll call**

The meeting was called to order at 9:05 a.m. by President Alex Leeder

**Board Members:**

Alex Leeder – President  
JoAnna Tran – Secretary-Treasurer  
Jeannette Bonaldi – Board Member  
Debbie Ritchey – Board Member  
Bryan Baltazar – Board Member  
Gwen Braimoh – Board Member

**Counsel:**

Sarah Bradley-Deputy Attorney General  
Rosemarie Reynolds -Deputy Attorney General

**Staff:**

Gary K. Landy-Executive Director  
Adam Higginbotham-Deputy Executive Director  
Andrew Helms – Chief Financial Officer  
Chris Mishler - Compliance Administrator  
David Scarpelli - Investigator  
Pam Hayes-Fitzgerald  
Deleyna Joseph – Inspector  
Charlene Marsh - Inspector  
Monica Bradford – Executive Assistant

2. **The Pledge of Allegiance**

3. **Reading of the Board of Cosmetology Mission Statement**

The Mission of the Nevada State Board of Cosmetology is to protect the public health, safety and welfare through education, and insuring only qualified persons are granted licenses to perform cosmetology in the State of Nevada and that all areas where cosmetology services are provided are kept clean, sanitary and safe.  
( NRS 644 & NAC 644)

4. **Comments by General Public**

There were no comments from the General Public

5. **Consideration and Approval of the Agenda and its posting.** ( An Action Item)

This meeting was noticed and posted in accordance with the Open Meeting law requirements of the State of Nevada (NRS Chapter 241)

**Action Taken:** The Agenda and its posting was approved

**Motion:** Jeannette Bonaldi      **Second:** JoAnna Tran

Vote: **Ayes:** 5      **Nays:** 0      **Abstentions:** 0

**Motion Carried**

6. **Consideration and Approval of minutes from February 1, 2016 Board meeting**  
(An Action Item)

**Action Taken:** The minutes from the February 1, 2016 meeting were approved

**Motion:** Jeannette Bonaldi      **Second:** JoAnna Tran

Vote: **Ayes:** 5      **Nays:** 0      **Abstentions:** 0

**Motion Carried**

7. **The President's Letter.** The Board will consider adopting the letter from the President.  
(An Action Item)

**Action Taken:** The President's letter was approved and is posted on the Nevada State Board of Cosmetology website

Motion: Jeannette Bonaldi

Second: JoAnna Tran

Vote: Ayes: 5     Nays: 0     Abstentions: 0

Motion Carried

- 8 **Complaint Hearing:** NSBOC (case #CA-2016-012) vs Minh Ngoc Tran (M-15536) for allegedly obtaining a Nevada nail technologist license through fraudulent means, and not providing truthful information in his license application, and engaging in conduct that endangers the public, all of which may be grounds for disciplinary action pursuant to NRS 644.430 (1) ( An Action Item)

Action Taken: Factual allegations (1-37) were proven . The following are the voted upon Violations of the law:

NRS 644.210 *Application required for examination, license or certificate of registration; fee to obtain forms; contents; verification.*

1. *An application for admission to examination or for a license in any branch of cosmetology, or for a certificate of registration as a cosmetologist's apprentice, must be made in writing on forms furnished by the Board and must be submitted within the period designated by the Board. The Board shall charge a fee of \$15 for furnishing the forms.*

2. *An application must contain proof of the qualifications of the applicant for examination or licensure. The application must be verified by the oath of the applicant.*

NRS 644.430(1)(a)

*Grounds; authorized disciplinary action; orders imposing discipline deemed public records.*

1. *The following are grounds for disciplinary action by the Board:*

(a) *Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, or a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.*

NRS 644.430 (1)(b) *Grounds; authorized disciplinary action; orders imposing discipline deemed public records.*

1. *The following are grounds for disciplinary action by the Board:*

(b) *Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.*

NRS 644.430(1)(k) *Grounds; authorized disciplinary action; orders imposing discipline deemed public records.*

1. *The following are grounds for disciplinary action by the Board*

(k) *Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.*

Discipline Ordered:

1. Probation for 364 days
2. English as a second language course
3. \$800 per each violation for a total of \$3200 due before his next license renewal date
4. Court fees not to exceed \$750 due within 90 days

Motion: Bryan Baltazar

Second: Jeannette Bonaldi

Vote: Ayes: 6

Nays: 0

Abstentions: 0

Motion Carried

9. **Proposed Settlement Agreement:** NSBOC (case #CA-2016-002) vs Asian Spa (S-13713) Asian Spa LLC, Owner and Phouvanh Chandavong, Owner. Proposed agreement to surrender the establishment license in lieu of further disciplinary action. (for Possible Action)

Action Taken: The proposed agreement to surrender the establishment license (S-13713) in lieu of any further disciplinary action was approved.

Violations of the law include: NRS 644.340, NRS 644.430(1)(a), NRS 644.430(1)(b), NRS 644.430(1)(c), NRS 644.430(1)(g), NRS 644.430(1)(k), NRS 644.430(1)(f)

Motion: Jeannette Bonaldi

Second: Bryan Baltazar

Vote: Ayes: 6

Nays: 0

Abstentions: 0

Motion Carried

10. **Proposed Settlement Agreement:** NSBOC (case #CA-2016-006) vs Flamingo Rose Day Spa (S-13687) Flamingo Rose, LLC, Owner and Terry Lee Cook, James R. King, and Phouvanh Chandavong, Managers. Proposed agreement to surrender the establishment license in lieu of further disciplinary action. (for Possible Action)

Action Taken: The proposed agreement to surrender the establishment license (S-13687) in lieu of any further disciplinary action was approved.

Violations of the law include: NRS 644.340, NRS 644.430(1)(a), NRS 644.430(1)(b), NRS 644.430(1)(c), NRS 644.430(1)(g), NRS 644.430(1)(k), NRS 644.430(1)(f)

Motion: Jeannette Bonaldi

Second: Debbie Ritchey

Vote: Ayes: 6

Nays: 0

Abstentions: 0

Motion Carried

11. **Petition to Appear:** Jennifer Richmond (C-33597), owner of The Finishing Touch (S-14097) requesting a variance from NRS 644.217.1(a) - qualifying distance to apprentice (An Action Item)

*NRS 644.217 Cosmetologist's apprentice: Application for certificate of registration; waiver; fee; expiration and renewal of certificate of registration.*

*1. The Board may issue a certificate of registration as a cosmetologist's apprentice to a person if:*

*(a) The person is required to travel more than 60 miles from his or her place of residence to attend a licensed school of cosmetology*

**Action Taken:** The Board found that for good cause, a variance could be granted from the actual requirement of the 60 miles distance from an existing cosmetology school since the petitioner lives a total of 58 miles away. Not granting the variance would create a personal and family hardship for the petitioner's apprentice.

**Motion:** Jeannette Bonaldi

**Second:** Debbie Ritchey

Vote: **Ayes:** 6

**Nays:** 0

**Abstentions:** 0

**Motion Carried**

12. **Petition to Appear:** Tricia Hetherington, owner of The Pretty Kitty (The Pretty Kitty, Inc) having two locations, S-12422 and S-12072, requested clarification for the need for additional sinks at each location to serve as dispensary sinks. Currently, the only sinks in each location are mop sinks as noted in the latest inspection reports. (NAC 644.330.2) ( An Action Item)

*NAC 644.330 Plumbing; dispensary sink; floor coverings. (NRS 644.110, 644.120)*

*2. Each cosmetological establishment or school of cosmetology must contain a dispensary sink if the operator of the establishment or school is issued a license*

**Action Taken:** Petition denied. Existing and any future locations will need to have a separate sink designated as a dispensary. In this instance, the owners are given 90 days from the date of this ruling to install dispensary sinks. A re-inspection will occur at the end of this time allowance to verify compliance with order.

**Motion:** Jeannette Bonaldi

**Second:** JoAnna Tran

Vote: **Ayes:** 6

**Nays:** 0

**Abstentions:** 0

**Motion Carried**

- 12A. **Discussion and Approval of a Cosmetology School:** The Board considered a proposed cosmetology school to be constructed at 4370 Smiley Road, Las Vegas, Nevada. Also included in the discussion was a variety of proposed variances to the school's construction at the given location. (for Possible Action)

**Action Taken:** Approval granted for the operation of a new school inside the Women's Correctional Facility. Several variances to NAC 644.085 will facilitate twelve (12) students to receive instruction in order to test for a cosmetology license.

**Motion:** Debbie Ritchey

**Second:** JoAnna Tran

Vote: **Ayes:** 5

**Nays:** 0

**Abstentions:** 1

**Motion Carried**

13. **Discussion and Approval of proposed regulations.** The Board will consider proposed regulations supporting the laws previously passed during the last legislative session. The topics discussed will include banned devices, hours of teaching for the apprenticeship program, practices constituting disciplinary action, use of chemicals in hair straightening products, and other regulations pertinent to the laws. (for Possible Action)

**Action Taken:** This Agenda item will be discussed at a Special Board meeting. The date and time will be determined according to availability of meeting space

14. **Discussion and Approval of voluntary cosmetology substance abuse program for licensees.** The Board will discuss and vote on the proposed substance abuse program for licensees developed by staff. (for Possible Action)

**Action Taken:** This Agenda item will be discussed at a Special Board meeting. The date and time will be determined according to availability of meeting space

15. **Discussion of graters and nippers.** The Board will determine whether the use of these devices within cosmetological establishments is authorized pursuant to Nevada law and/or whether changes to Nevada law are necessary in this area (for Possible Action)

**Action Taken:** This Agenda item will be discussed at a Special Board meeting. The date and time will be determined according to availability of meeting space

16. **Discussion of the removal of superfluous hair.** The Board will discuss the removal of superfluous hair in the practice of cosmetologists' scope of services. The Board may interpret the relevant statutes or regulations and/or direct Staff to draft a policy on this issue. (for Possible Action)

**Action Taken:** This Agenda item will be discussed at a Special Board meeting. The date and time will be determined according to availability of meeting space

17. **Presentation on eyelash extensions.** The Board listened and watched a presentation on eyelash extensions and/or enhancements and the safety and infection control procedures for those licensed to perform this service in the State of Nevada by Ms. Tialutrell McCormick, Vice President, The NEESA Foundation, Inc.(Discussion Item only)

**Action Taken:** No Action required for this Agenda item, however, as part of the discussion,  
Board members agree that regulations should be established in this field and further review will be made by a Law Review Subcommittee at a future date.

18. **Discussion on closing without notice.** Staff report to the Board on the common policy by cosmetological establishments to close with limited or no notice. The Board will discuss and possibly develop a policy to address this issue. (for Possible Action)

**Action Taken:** This Agenda item will be discussed at a Special Board meeting. The date and time will be determined according to availability of meeting space

19. **Discussion regarding human trafficking in the cosmetology industry.** The Board will discuss the problem of human trafficking in the cosmetology industry, to include commercial sex activity, and consider ways to provide assistance and referrals. (for Possible Action)

**Action Taken:** This Agenda item will be discussed at a Special Board meeting. The date and time will be determined according to availability of meeting space

20. **Discussion and Approval of future Board office location.** The Board discussed and listened to a Staff presentation on the possible future Board office location. (An Action Item)

**Action Taken:** Direction given to Staff to pursue possible relocation sites with different options of lease or purchase. Once research has been done, the Board will again discuss the idea of relocating the Las Vegas Board office.

**Motion:** Jeannette Bonaldi

**Second:** Debbie Ritchey

Vote: **Ayes:** 6                      **Nays:** 0                      **Abstentions:** 0

**Motion Carried**

21. **Discussion and Approval of FY2017 Budget:** The Board discussed and the FY2017 Budget. (An Action Item)

**Action Taken:** The Budget for 2017 fiscal year was approved

Motion: Jeannette Bonaldi

Second: Debbie Ritchey

Vote: Ayes: 6

Nays: 0

Abstentions: 0

Motion Carried

22. **Consideration and Approval** of Bill Draft Request. The Board will discuss, modify and consider for approval the BDR for submittal to a legislative bill sponsor. A list of proposed changes/deletions are available by request and will be posted on the Board of Cosmetology website after this meeting ([www.cosmetology.nv.gov](http://www.cosmetology.nv.gov)). Some of the proposed changes to Chapter 644 of the Nevada Revised Statutes include: a) Verbiage clarification for administrative purposes b) introduction of a lifetime license option c) additional grounds for disciplinary action d) qualifications for instructors (for Possible Action

Action Taken: This Agenda item will be discussed at a Special Board meeting. The date and time will be determined according to availability of meeting space

23. **Consideration and approval** of Executive Director's Report. Reports include the 1) Executive Summary, 2) Testing Summary, 3) Licensing Summary, 4) Inspection Summary, 5) Financial Summary, 6) Financial Statements, September 2015 Through January 2016, 7) Cash Flow Analysis, 8) Accounts Receivables Aging Summary, and 9) Follow up on items from February 1, 2016 Board meeting (for Possible Action )

Action Taken: This Agenda item will be discussed at a Special Board meeting. The date and time will be determined according to availability of meeting space

24. **Comments by Board Members** and future agenda items.

1. Gwen Braimoh - Require additional training (CEU's) in respective fields other subject matters prior to license renewal. The current requirement is infection control test. (NRS 644.325.5)
2. Alex Leeder - Staff to research and provide additional information to submit for regulation Changes to NAC 644.372 in order to be more comprehensive with not using certain hazardous products

25. **Comments by General Public**

Kai Stanton - Licensed Cosmetologist and Cosmetology Instructor  
Would like to have a part in the designing of more education classes for Licensed instructors

26. **Adjournment** ( An Action Item)

This meeting was adjourned at 4:30 p.m.



